

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DIMITRI Z. STORM,

Plaintiff,

v.

CSATF WARDEN, et al.,

Defendants.

No. 1:24-cv-01287-KES-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES AND
DISMISSING APPLICATION FOR IN
FORMA PAUPERIS STATUS AS MOOT

Docs. 2, 9

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff initiated this action on October 22, 2024. Doc. 1. Plaintiff filed an application to proceed in forma pauperis (“IFP”) the same day. Doc. 2. On November 15, 2024, the Court issued an order directing plaintiff to show cause within fourteen days why the matter should not be dismissed for failure to exhaust administrative remedies. Doc. 7. Plaintiff did not respond to the Court’s order, *see* docket, and thereafter, on January 22, 2025, the magistrate judge issued findings and recommendations recommending both summary dismissal for failure to exhaust administrative remedies and dismissal of plaintiff’s IFP application as moot, Doc. 9. The findings and recommendations were served on plaintiff and contained notice that any objections were to

1 be filed within fourteen (14) days of service. *Id.* Plaintiff did not file any objections or otherwise
2 communicate with the Court.

3 Pursuant to 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case.
4 Having carefully reviewed the file, the Court concludes the findings and recommendations are
5 supported by the record and by proper analysis, except that dismissal shall be without prejudice.

6 Accordingly:

- 7 1. The findings and recommendations issued January 22, 2025 (Doc. 9), are ADOPTED
8 IN FULL;
- 9 2. This matter is DISMISSED, without prejudice, for failure to exhaust administrative
10 remedies;
- 11 3. Plaintiff's application to proceed in forma pauperis (Doc. 2) is DENIED as moot; and
12 4. The Clerk of Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: February 10, 2025



UNITED STATES DISTRICT JUDGE